

1989

State of Utah v. Steven Troy Spann : Supplement

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca1



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

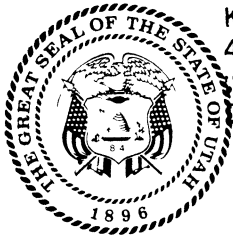
Brooke C. Well; Elizabeth Holbrook; Salt Lake Legal Defender Association; Attorneys for Appellant. David B. Thompson; R. Paul Van Dam; Attorney General; Attorneys for Respondent.

Recommended Citation

Supplemental Submission, *State v. Spann*, No. 890152 (Utah Court of Appeals, 1989).
https://digitalcommons.law.byu.edu/byu_ca1/1670

This Supplemental Submission is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

BRIEF



KFU
45.9
SS9

DOCKET NO.

890152

R. PAUL VAN DAM ATTORNEY GENERAL

236 STATE CAPITOL • SALT LAKE CITY UTAH 84114 • TELEPHONE 801 538 1015 • FAX NO 801 538 1121

STATE OF UTAH

JOSEPH F. TESCH
CHIEF DEPUTY ATTORNEY GENERAL

March 2, 1990

FILED

MAR 2 1990

Clerk, Supreme Court, Utah

Geoffrey J. Butler
Clerk of the Court
Utah Supreme Court
332 State Capitol
Salt Lake City, Utah 84114

Re: State v. Spann,
Case No. 890152

Dear Mr. Butler:

I wish to cite to the Court two cases as additional support for the State's argument that defendant is in no position to claim reversible error on the basis of the prosecutor's violation of the trial court's order prohibiting the prosecutor from questioning Mr. Hodson, a prosecution witness, about whether he had started the fire which defendant had been charged with setting, because defense counsel, after the prosecution's violation, questioned Mr. Hodson on the same subject. Br. of Appellee at 31. Those cases are: Abbott v. State, 661 P.2d 914, 915 (Okla. Cr. 1983) ("'[W]hen immaterial evidence is introduced by the State, this error is cured when counsel for defense cross-examines the witness on the same subject.'" (quoting Smith v. State, 431 P.2d 949, 950 (Okla. Cr. 1967))); United States v. Davis, 487 F.2d 112, 121 (5th Cir. 1973) ("Reference to or use by a defendant of an erroneously admitted line of evidence ordinarily cures or waives error."), cert. denied, 415 U.S. 981 (1974).

This supplemental authority is submitted pursuant to rule 24(j), Rules of the Utah Supreme Court.

Sincerely,

David B. Thompson
DAVID B. THOMPSON
Assistant Attorney General
Chief, Criminal Appeals

DBT:bks

cc: Brooke C. Wells
Elizabeth Holbrook